

AMENDED IN SENATE MAY 26, 2006

AMENDED IN SENATE MAY 9, 2006

AMENDED IN SENATE APRIL 17, 2006

AMENDED IN SENATE MARCH 30, 2006

AMENDED IN SENATE MARCH 28, 2006

## SENATE BILL

**No. 1469**

### **Introduced by Senator Cedillo**

(Principal coauthor: Assembly Member Coto)

February 23, 2006

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An act to add Section 14029.5 to the Welfare and Institutions Code, relating to Medi-Cal eligibility.

#### LEGISLATIVE COUNSEL'S DIGEST

SB 1469, as amended, Cedillo. Medi-Cal: eligibility: juvenile offenders.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services, and under which qualified low-income persons receive health care benefits. The Medi-Cal program is governed, in part, by federal Medicaid provisions.

Existing law places specified juvenile offenders in county juvenile detention facilities.

This bill, *commencing May 1, 2007*, would require a county juvenile detention facility to provide specified information relating to a ward of the county who is scheduled to be released ~~to a parent or guardian~~ to the appropriate county welfare department, and would require the county to initiate an application and determine the individual's

eligibility for the Medi-Cal program, as specified. The bill would require the county, *if the ward is a minor*, to give a parent or guardian the opportunity to opt out of this eligibility determination. The bill would require a county welfare department to provide sufficient documentation to enable the ward to receive medical care upon his or her release from custody, as specified.

This bill would require the department, *by March 31, 2007*, in consultation with designated entities, to collaborate to establish the protocols and procedures necessary to implement the bill. The bill would require the department to implement its provisions by means of all-county letters or similar instructions, and thereafter, to adopt implementing regulations, as necessary. The bill would require the department to seek any federal waivers necessary for its implementation.

By increasing the duties of counties administering the Medi-Cal program and of county juvenile detention facilities, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 14029.5 is added to the Welfare and  
2 Institutions Code, to read:  
3 14029.5. (a) (1) ~~Immediately Commencing May 1, 2007,~~  
4 *immediately* following the issuance of an order scheduling the  
5 release date of a ward from a county juvenile detention facility  
6 ~~into the custody of his or her parent or guardian~~, the county  
7 juvenile detention facility shall provide the appropriate county  
8 welfare department with the ward's name, his or her scheduled or  
9 actual release date, and sufficient information, when available,  
10 for the county welfare department to begin the process of

1 determining the ward's eligibility for benefits under this chapter,  
2 including, *if the ward is a minor*, contact information for the  
3 ward's parent or guardian, if available.

4 (2) ~~Prior~~ *If the ward is a minor*, prior to providing information  
5 to the county welfare department pursuant to paragraph (1), the  
6 county juvenile detention facility shall notify the parent or  
7 guardian, in writing, of its intention to submit the information  
8 required by that paragraph to the county welfare department. The  
9 parent or guardian shall be given a reasonable time to opt out of  
10 the Medi-Cal eligibility determination provided for under this  
11 section, in which case the county juvenile detention facility shall  
12 not comply with paragraph (1).

13 (3) For purposes of this section, "ward" means a person in the  
14 custody of a county juvenile detention facility.

15 (b) (1) Within 45 days of receipt of the information described  
16 in paragraph (1) of subdivision (a), the county welfare  
17 department shall initiate an application and determine the  
18 individual's eligibility for benefits under the Medi-Cal program.  
19 The county welfare department shall promptly contact the parent  
20 or guardian to arrange for completion of the application. The  
21 county shall expedite the application of a ward who, according to  
22 the information provided pursuant to paragraph (1) of  
23 subdivision (a), is scheduled to be released in fewer than 45 days.

24 (2) If the county welfare department determines that the  
25 individual does not meet the eligibility requirements for the  
26 Medi-Cal program, the county welfare department shall forward  
27 the individual's information to the appropriate entity to  
28 determine eligibility for the Healthy Families Program, or other  
29 appropriate health coverage program, as determined by the  
30 department.

31 (3) If the county welfare department determines that a ward  
32 meets eligibility requirements for the Medi-Cal program, the  
33 county shall provide sufficient documentation to enable the ward  
34 to obtain necessary medical care upon his or her release from  
35 custody.

36 (c) By March 31, 2007, the department, in consultation with  
37 the Chief Probation Officers of California and the County  
38 Welfare Directors Association, shall collaborate to establish the  
39 protocols and procedures necessary to implement this section,  
40 including, but not limited to, all of the following:

1 (1) The suspension and resumption of coverage under the  
2 Medi-Cal program as provided for in subdivision (a).

3 (2) Notification requirements on the part of the facility.

4 (3) Communication between the county welfare department,  
5 the minor's family, and the facility as may be necessary to  
6 determine continued eligibility.

7 (4) Impacts on the eligibility of a minor's family, if eligible for  
8 Medi-Cal at the time the minor becomes an inmate of an  
9 institution.

10 (5) How and in what form counties or the department will  
11 provide a beneficiary card or other official communication that  
12 eligibility will be reinstated upon the minor's release.

13 (6) Any needed changes to applicable regulations and policies.

14 (d) Notwithstanding Chapter 3.5 (commencing with Section  
15 11340) of Part 1 of Division 3 of Title 2 of the Government  
16 Code, the department shall implement this section by means of  
17 all-county letters or similar instructions, without taking any  
18 further regulatory action. Thereafter, the department shall adopt  
19 regulations, as necessary, to implement this section in accordance  
20 with the requirements of Chapter 3.5 (commencing with Section  
21 11340) of Part 1 of Division 3 of Title 2 of the Government  
22 Code.

23 (e) The department shall seek any federal waivers necessary  
24 for the implementation of this section.

25 SEC. 2. If the Commission on State Mandates determines that  
26 this act contains costs mandated by the state, reimbursement to  
27 local agencies and school districts for those costs shall be made  
28 pursuant to Part 7 (commencing with Section 17500) of Division  
29 4 of Title 2 of the Government Code.